1890-020 Chancery Causes: William G. Hart vs P. M. Reasor &c
Lee Co.

Stout, Bailey, Adams, Pennington, Napier, Coldiron, Dunagan,
Stanley

CA-Debt
T-Property

-Deed

To the honorable H. S. K. Morrison Judge of the circuit Court of Lee County Virginia.

Humbly complaining your orator, Wm G Hart, would respectfully represent & shew unto your honor, that on the 12th day of Aug 1882, John Reasor & Stout obtained before J. B. Pennington a Justice of the Peace of said County, a Judgment against him for $11.28 with interest thereon from the 21st day of August 1870, till paid and $1.00 Costs. This Judgment was returned to the Clerk's office of the County Court of said County & docketed in the Justice's Judgment docket, and an Execution was issued thereon, on the 5th day of August 1889, and placed in the hands of P. M. Reasor deputy for A. B. Munsey Sheriff of said County, for Collection and was by said deputy levied on one bay kicking colt the property of the plaintiff and said colt is now in the possession of said deputy Sheriff, Your orator will now shew unto your honor that said property is exempt from distress or levy under the homestead law of Virginia, of which law your orator has taken the benefit by a proper deed filed and recorded in the said Clerk's office, which original deed is herewith filed as part hereof marked "A". and of which action

the said deputy Sheriff had notice by your orator presenting to him the certificate of the Clerk of said Court, which certificate is herewith filed Marked "B", yet the said deputy Sheriff disregarding his duty in the premises, continues to hold the said Colt in his possession and intends selling the same to pay said debt.

The object therefore of this suit is to restrain and inhibit the said P. M. Reason deputy as aforesaid from selling said property under said execution, and to have the possession thereof restored to your orator, and to restrain and inhibit the said John Reason & Stout from suing out & having other executions levied on the property of your orator embraced in his said deed of homestead exemption.

To this end he prays that the said P. M. Reason and John Reason & Stout be made parties defendants to this bill and required to answer the same on oath, and on a hearing the relief herein prayed for be granted your orator and such further & general relief as he may be entitled to. May process issue &c. And your orator will ever pray &c.

Richmond & Orr, for
Complainant.

Virginia, Lee County, to wit.

I J. A. G. Hyatt Clerk of the Circuit Court of said County, do certify that Wm G Hart this day personally appeared before me and made oath that the facts stated in the foregoing bill are true so far as they depend on his own knowledge and so far as stated upon information derived from others he believes them to be true.

Given under my hand. Sept 2nd 1889.

J. A. G. Hyatt Clerk

Pltffs costs
C 10.20 Pd
Wit 5.00 Pd
N.P. 5.15 Paid
Coun. 1.50 Paid
S. 1.50 Paid
$23.35

Defts
C 8.46 Pd
J.P. 1.50 Paid
Const 50 Paid
S 5.00 Paid
~~Wit~~ $20.46
23.35
43.81

50
50
50
50
1 50
3 50

Wm G Hart
vs } Bill in Chy.
D. M. Reason & others.

1889, 1st Octo Rules Dfts
Exd – and D. Nisi
" 2nd Octo Ans Defts
filed –
" 1st Nov. Rules Costs
2 " Rules Cause set
for hearing.
" Decr. Term Continued.
1890 March Decree final

To the Hon. H. L. K. Morison Judge of the Circuit Court of Lee County

The Demurrer and Answer of John Reaser, P. M. Reaser, and Wm L. Stout to a bill filed in this Hon. Court against them by Wm G. Hart,

The defendants say the plffs bill is not good and sufficient in law and of this they pray Judgement of the Court &c.

But if any other or further answer be deemed necessary answering they say, It is true that respondents John Reaser and Wm L. Stout late merchants and partners in trade, trading under the firm name and style of Reaser & Stout obtained the Judgement in the plffs bill mentioned before the Justice named in his bill and several executions issued thereon and was returned "no property found" when the same was returned to the clerks office and the execution issued and levied as stated by the plff.

But respondents are advised that the plff had no equitable

grounds to file his bill, he not having done the things required of those claiming the benefit of the Homestead laws, viz: filing a schedule with his deed and serving a copy of the same on the officer.

But even if he had done this they aver his Homestead could not avail him. Because the judgement was obtained on a note under seal, and containing a waiver of the Homestead exemption, which as your respondents are advised, renders his Homestead deed useless as to this debt.

These respondents further allege that said deed was not made with an honest and bona fide purpose of claiming a Homestead, but made with the fraudulent intent to hinder delay and defraud the said Reasor and Stout in the collection of their said judgement, and hence is void under the statute of frauds and perjuries. They aver however that this judgement is not subject to the Homestead laws for at the time the said note was executed the plff was a single man not the head of a family and

as above stated his Homestead the benefits whereof the pltff waived at the time he executed said note and the same was so written in the face thereof. And having now fully answered they pray to be dismissed with their costs.

A. L. Prideaux
P. D.

Virginia Lee County to wit
This day John Reaser, and W. L. Stout personally appeared before me the undersigned and made oath that the facts contained in the foregoing Answer are true so far as made, ~~and that the fore-~~going upon their own knowledge and so far as made upon information derived from others they believe them to be true.
Given under my hand this Oct 8th 1889.

J. R. Gibson D. C.

P.

Reason & Stout

adj Answer

Wm G. Hart.

Filed 2nd Oct Rules
1889. J. A. L. Wyatt C

Wm. G. Hart ---- Plff.
against } Inchy
P. M. Reasor et als Defts

This cause came on this day to be heard upon the bill of the plff and exhibits filed the answer of the defendants and replication thereto ~~and~~ the deposition of witnesses and was argued by Counsel - on Consideration of which and for reasons appearing to the Court it adjudged ordered and decreed that the injunction heretofore awarded in this cause be - the same is hereby dissolved but without damages And that the defendants recover against the plff, the costs, of this suit to be taxed by the Clerk. And the cause is stricken from the docket.

Wm G. Hart

vs

Decree
Final.

P. M. Rosser et al

March 7 1890

Entered clerk A.B.
p. 259
J. A. S. Hyatt

Enter this
Apr 25 1890
H.A.K.M.

The Deposition of M. H Reason William L Stout & other taken before me. The undersigned a Justice of the Peace. pursuant to a Notice hereunto attach at the Store House of C L Hamblen which and intended to be read as evidence in behalf John Reason, Def & William G Heart Pltf in a certain Suit in Chancery now William L Stout & P. M. Reason defending in the Circuit Court of Lee County in which John Reason is Defendant & William L Stout & P. M. Reason William G Heart is Plaintiff

The Deposition of William L Stout

Ques 1st did William G Heart ever execute a Note to Reason & Stout

Ans. he did in the fall of 1870 during the month of August sent to Elias Gallos & 25 cts due one day after Date under Seal showing the Homest & the Note never has been paid

Ques 2nd did William G Heart sign & acknowledge the Note to be just & due

Ans. he did & never executed but this one

Question by M G Heart Plaintiff

Question 1st

does said Note state on it face that it was to be discharge in payment in wheat

Ans. it did not

Question 2nd

Was the Homested were in said Note

it was to the best of my knowledge

further the witness deposest & sayeth not

W. L. Stout

Deposition of M. H. Reason

Question 1st

did you ever serve a note on William G. Heart on a note Executed by Said Heart to Reason & Stout

Ans I serve a warrent on Said note as bound & returned Said warrent before J. B. Pennington justice & judgement was sendend on Said note & put in my Hands for Collection & I returned Said Judgement to John Reason Defendant

Ques 2nd

did William G Heart ever acknowledge it was a just debt

Ans. Not that I ~~ever~~ remember of now

Question by William G Heart Plaintiff

Question 1st

do you remember the date of the one bill or note

ans: I do not

& further more the witness deposeth not

M. H. Reas

Deposition of John Reason

Ques 1st by William L. Stout

did I ever turn over to you a note executed by William G. Heart to Reason & Stout

Ans he did the note was for Eleven dollars & twenty five cts under seal mentioning the Homestid Law my recalection is the note was executed in 1870 during the Month of August

Question 2nd

would you ever have put out Said note for Collection iff the Homestid had not been name in it

Ans I would not

& further more the Deponent deposeth not

John Reason

Lee County To wit I John Riddell a justice of the peace for the County aforesaid in the State of Virginia do Certify that the forgoing Deposition of William L. Stout M. H. Reason & John Reason was taken subscribe & sworn to before me at the time and place and purpose mention in the Caption Said deposition in the presents & red by the witness before siging & Said deposition was taken pursuants to notice which is is herwith filled

given under my hand & seal this the 27th of Nov 1889 John Riddle J P

Justices fees $1.50

P. M. Reasoner et al
ads
W. G. Hart

Filed Dec. 2nd 1889
J. A. L. Hyatt c.c.

J. P. fee $1.50
Comet .50
2.00
.50
2.50

The depositions of John M. Bailey William G. Hart, and A. C. Bailey taken at the house of Isaac Bailey in Lee County on the 29. day of November 1889

Pursuant to notice which notice is hereunto returned which depositions are intended to be read in a suit in chancery now pending in the Circuit Court of Lee County, wherein William G. Hart is Plff and John Reason William L. Stout and P. M. Reason are Defts. See the pleadings in said

John M. Bailey a witness of lawful age after being duly sworn deposeth and saith

Question by the Plff. Did you ever see any note or due bill executed by me to the Defts John Reason & William L. Stout Land if so, what is your recollection about the contents of said note or due bill, was it under seal or was the word seal written in the face of said paper, and was the benefit of the homestead waived in said paper

Answer John Reason showed me a paper which was claimed by him to be a note or due bill executed by William G. Hart to him and William L. Stout. My recollection is there was a seal to said paper and my best recollection is that the word seal was written in the body or face of said paper. I do not recollect any thing about the benefit of the homestead being

pearing that did not seem to be any question between the parties at the time Reason showed me said paper. There was no suit between the parties at that time. ~~And further this witness~~ ~~[illegible] Defts~~ ~~South Side~~

~~Jeff Benton~~

Question by the Defts. Did you ever hear the Plff. say whether he owed the Defts, Reason and Stout a note

Answer I heard the Plff. William L. Hart say that he owed Reason and Stout a debt but that he had left what with his Father to pay said debt. And further this witness saith not

J. M. Bailey

William L. Hart an other witness of lawful deposith and saith; that about the 3: day of August 1870 I executed to John Reason and William L. Stout a paper which I considered a due bill. The word Seal was not written in the body of said paper and my recollection is that there was no Seal or Scrawl at the end of said paper when my name was signed, but of that I am not positive. And there was no mention of the homestead in said paper I am positive of that. About August the 5: 1887 I was noticed on said paper to appear before John B. Bennington, then a Justice of the peace. I appeared before Bennington, and I then examined said paper and discovered that the word Seal was not written in the body of said paper, but the Scrawl was there to it. I then claimed before Bennington that the paper was no note and was therefore barred by limitation, but Bennington decided against me, because as he stated that the Scrawl was to it. Bennington then called my attention to the fact that the homestead was not mentioned in said paper and he told me that I had a good claim on that account. I then looked at said paper and saw that the homestead was not mentioned in it. I then went to Jonesville and got J. A. L. Hyatt to prepare me a Schedule of my property and he swore me to the same, and I told him that I done it in order to get rid of an unjust debt. For my father had told me that I owed Reason and Stout nothing and I showed my Schedule to John M. Morgan and he advised me not to have it recorded till Reason and Stout attached my property. At the time

I executed said due bill I was a single man and I had never heard tell of any homestead law. I never executed but the one obligation to said Reason and Stout for money, and that is the one none in controversy between us.

Question by the Deft. Do you know that your father paid said debt to us. I do not know ~~that~~ that it was paid, but my father said that I owed you nothing. I paid my father to pay said debt. by said Stout's Consent.

Question by same Have you not told different men within the last six months ~~that~~ said debt was a just debt

Answer I have not.

Question by same. If said Stout agreed to take your father for said debt why did you not left the note answer it was through neglect.

And further this witness saith not

William G. Hart

H. C. Bailey an other witness of lawful age deposeth and saith.

Question by the Pltff. Did you ever see a note or due bill executed by me to John Reason and William L. Stout, and if so what is your

recollection about said paper
Answer I did see said paper. It was a very short paper, but I do not now know the contents of said paper. Said Hart proposed to see me the said paper as he called it under seal. Hart advised me not to pay it. He said it was no note, and that his father had paid it, and that if there was any seal to it it had been forged to it.
And further this witness saith not
H C. Bailey

Va Lee County to wit: I Carr Bailey a Commissioner in chancery for the Circuit Court of Lee County in the State aforesaid do certify that the foregoing depositions of John M. Bailey, William G. Hart, and H. C. Bailey were duly taken, sworn to and subscribed before me, on the time and at the place mentioned in the caption. Given under my hand this November 29. 1889
Carr Bailey
Comm. in chancery &c -

William L. Hart
Plff. against
John Reason & William
L Stoneand
P. M. Reason Defts.
Depositions of
John M. Bailey &
others for the Plff.

Filed Decr. 27 1859
J. A. G. Hyatt
C.C.

Messrs. John Reeson, William L. Stout and P. M. Reeson. Gentlemen take notice on this day March 25. 1890 at 1 O'clock P.M. at the house of Carr Bailey. I will proceed to take the depositions of A. H. Hart and others which depositions are intended to be read in a suit now pending in chancery in the Circuit Court of Lee County wherein I am Plaintiff and you are defendants. this March 25. 1890

William L. Hart

Lee County to wit

This day William G. Hart made oath before me that he delivered a true copy of the the writing notice to each one of the defendants. either delivered to them in person or left at their houses with their wives. this March 25. 1890

Can Bailey
Comr in chancery for the
Circuit Court of Lee County

The deposition of Thomas H. Adams taken on the 25. day of March 1890 at the house of Carr Bailey, in Lee County Virginia. Pursuant to notice which notice is herewith enclosed and returned, which deposition is intended as evidence to be read on the behalf of William L. Hart in a suit in chancery now pending in the Circuit Court of Lee County wherein William L. Hart is Plaintiff and John Reason, William L. Stout and P. M. Reason are defendants.

Thomas H. Adams a witness of lawful age after being duly sworn deposeth and saith

1 Question by the Plaintiff
Did you ever hear John Reason offer to sell a due bill on me to William H. Johnson
Answer I heard John Reason offer to sell a due bill or note to said Johnson.

2 Did Johnson purchase the due bill or note?
Answer he did not at that time

3 question What was Johnsons objections to said due bill or or note

Answer, to the best of my recollection Johnson objected to said due bill or note for the reason that the homestead was not waived in said due bill or note. Johnson stated that Hart had either taken or would take the benefit of the homestead law, and he could not collect said due bill or note

4 question When did this transaction take place?

Poor Quality Original. Best Possible Capture

Answer I think it was in the year 1877

Cross examined by the Defendants

Did you ever see said due bill or note or did you ever hear Johnson say that he said it

Answer I do not know that I ever said said due bill or note, nor do I know that Johnson ever told me that he ever said it. I do not think that Johnson could have read it, if he had said it. Nor I could not have read it at that time, if I had have seen it

Question by same do you or not know whether the homestead was waived in said paper or not

Answer I do not know whether the home stead was waived or not. I have stated before that I did not know that I ever said said paper. I stated what Johnson said about said paper, it was in the presence of John Reason & myself

And further this Witness saith not

thomas H. adams

Virginia Lee County to wit: I Carr Bailey a Commissioner in Chancery for the Circuit Court of Lee County in the State aforesaid, do certify that the foregoing deposition of Thomas H. Adams was duly taken, sworn to, and subscribed before me at the time and place mentioned in the caption. The Plaintiff William G. Hart and P. M. Reason one of the defendants being present at the taking of said deposition. This the 25 day of March 1890

Carr Bailey Comr. in chy &c.

Comm fee 2 hours $1.50
Thomas H. Adams 1 days attendance 50 cents

William L. Hart
Plaintiff vs.
John Reeser William
L. Stout & P. M. Reeser
Defendants
Deposition of
Thomas H. Adams

Received by mail
~~before~~ Comm in Chey
before whom taken
& filed March
28th 1890
J. A. L. Hyatt C

Comm fee 1.50
Writ .50
2.00

The depositions of J. B. Pennington
Peter M. Reasor William S. Coldiron
J. P. Hart George Wasper M. H. Reasor. Wm H. Napier
taken at the house of Harvey Young
in the county of Lee and state of Virginia on this 14th day of February 1890
before me a Notary Public for Lee
County to be read as evidence in
a suit pending in the Circuit Court
of Lee County due notice having
been give by John Reasor P. M. Reasor
and William L. Stout defendants
in the said suit aforesaid being
of Lawful age and sound mind
and after being duly sworn by me
deposeth and sayeth.

Whereon William J. Hart is plaintiff and Reasor & Stout & P. M. Reasor Defendant

Question by defendant:
1st. P. M. Reasor a witness for the defendant
did you ever try a case while
you was justice between William J.
Hart and myself
Ans.: I did.
Question 3.: You decided on it did you
Ans. I did give Judgement on it.

Question 4th. Tell what you know about it
I considered it a good note or I would
not have give Judgement I dont
now know how the note was drawn

Question Do you know what became of the note

Ans. It was lost while I was moving

Question by the plaintiff Cross. examination when was this Case tried by you

Ans. I do not remember

Question 2. In Case this note that Judgement was given on was executed on the first day of August 1870 then if the acts of legislature made a law allowing the right of a waiver on the 11th day of July 1870 is it reasonable to suppose that the homestead was waived in that note

ans. If it was only nineteen days ~~before~~ after the passage of the act it was a short time

Question 3. Did you ever receive a letter from Cass. Bailey inquiring after this note

Ans. I. did

Question 4th did you ever tell anybody that this note was executed before the homestead law was passed

~~Ans.~~ I never did

Question 5th You remember having a talk

with me at the association last year and me inquiring after this note

Ans I did

Question 6th From my Conversation with you did it appear that I seemed to base my suit on the faith of that note

Ans You talked that way

Ques. 7th Did you keep a Record of Judgements

Ans. I did

Question 8th Did you state to any man that you bought your own record book with your own means and refused to turn it over to any one

Ans. I dont remember now anything about that

Question 9th. Did John Reaser ever inquire of you if the homesstead was waived in this note

Ans. Not as I remember

Question 10th. ~~If I was a single man at~~ At the time this note was given was it customary to waive the homesstead law by single men

Ans I dont remember

Question 11. Did you ever know of married men waiving the homestead law ~~stout~~

Ans. I have

Question 12th Did you ever know of single men to waive the homestead law

Ans. I dont remember

further the deponents sayeth not.

J B Pennington

The further taken of deposition was postponed by me Harvey Young to J. J. Kelly's store until Wednesday the 19th of February 1890 12 P.M.

according to the above postponement I Harvey Young Notary Public will proceed on this 19th day of February 1890 on the day and at the place above referred to, continue the further taking of Depositions

P.M Reasor a witness for the defendant

Question by the Defendants.

Question 1st. Did you have a judgement and execution in your hands in favor of Reasor & Stout for collection against William G. Hart.

Ans. I did I have the execution at this time I levied on a mare colt.

about four months old.

Question 2nd. What did William G. Hart say after you had levied on the calt?

Ans. he said that the debt was all right & just and that he was going to settle it with Two dollars & a half

Question 3rd Did William G. Hart enjoin the sale of the calt?

Ans. He did I then returned the calt he would not receive it I did the same again I then took the calt home and had it cared for

Cross examination by William G. Hart the plaintiff

Question 1st. Did not I say to you that my property was what I wanted but I would not release you from the cost of a chancery suit and the damage on my property?

Ans. He did not have such talk as he claims above at the time I took the calt home ~~[illegible]~~ the deponent saith not.

P. M. Reaser

Ques, 1st Mr. Coldiron a witness for the plaintiff was you present when or or about the time that P. M. Reasor levied on William G. Hart's Colt

Ans. I was

Question, 2nd Did he not tell Hart in your presence that the execution was in favor of Reasor & Stout

Ans. He did

Question 3rd Tell what Hart said in relation to this matter?

Ans. Hart objected to P. M. Reasor taking the colt and P. M Reasor being an officer said that he was ~~now~~ making the levy on an old judgement that was nineteen years old and Hart said he would settle it with Two dollars & half

~~and further the deponent says~~

~~Cross examination by William G. Hart.~~

Question 4th. was you present when P. M Reasor returned the colt and tendered it to ~~him~~ William G. Hart

Ans. I was. Hart said that his property was what he was wanting but would not take the colt and release P. M. Reasor from the cost of

a chancery suit and the damage of his property

Question 5th Did P. M Reasor tell Hart that he did not want to hold his property when he (Hart) had give bond for the costs and mantanance of the suit.

Ans. he did

Cross examination by William G. Hart.

Question 1st Did I not call your attention to the talk between P. M. Reasor and Myself the morning he returned the colt on the premises of John J. Kelley

Ans. He did

Question 2nd Did he refuse to give the property to me.

Ans. He took it back

Question 3rd did you ever hear Wm L Stout say that he did not know whether the Homes stead law was waived in the obligation or not.

Ans. He said he was not positive

(over)

and further the deponent saith not

W S Coldiron

James Hart a witness for the defendants

Question 1st Did you ever hear Wm. G Hart say that he owed Reasor & Stout a debt

Ans. I heard him say he owed them a debt and had left means with my father A. J. Hart to pay it

Question 2. Do you know what it was that he left

Ans: It was wheat he said

Question 3rd. Did he leave this part of the country?

Ans. He did

Question 4th Did you know that William G. Hart had some wheat about that time?

Ans. Yes. I did

Ques. 5th. was you present when this wheat was threshed?

Ans. I was

Question 6th ~~what became of the wheat~~?

Do you know whether Reasor & Stout got any of the wheat above refered to?

Ans. I do not

Ques 7th. Do you know the reason why Reasor Stout did not get any wheat?

Ans. The wheat either give out or was damaged

My father paid the toll out of his own wheat.

Question 8th. Did you ever hear your father say that he was security for Wm. G. Hart to Frank Richmond for a debt?

Ans. I heard him say that he was to pay a debt to Frank Richmond for Wm. G. Hart.

~~Cross~~ Cross examination by Wm. G. Hart the plaintiff. James G. Hart.

Question 1st. Was you present the morning that P. M. Reasor brought my colt down here and offered to me?

Ans. I was.

Ques. 2. Did I not tell P. M. Reasor that my property was what I wanted?

Ans. You Did

Ques. 3rd Did I not tell him I would not release him from the costs of a chancery suit and the damage on my property?

Ans. You Did

Question 4th. Did he not then take the property away with him?

Ans. He started away with it

Ques. 5th. At the ~~time~~ that Reaser & Stout come after the wheat was I a single man?

Ans ~~[illegible]~~ he was married after they come after the wheat.

further the deponeth sayeth not.

J. P. Hart

The defendants

Ques. 1st Mr. George Napier, a witness for the defendant Did you ever hear Wm. G. Hart say anything about a debt in controversy between Reaser & ~~Stout and~~ Hart?

Ans. Yes I heard him talk something about the debt. he said it was once a just debt he had made arrangements with his father to pay it, my recollection was he said the homestead was not waived in the note he gave it as his opinion that there was no such thing at the time as waiving a homestead

Ques. 2nd He talked as if the debt was unpaid

Ans. I dont recollect whether he said it was paid or unpaid

Ques 3 I want to know if you ever heard of such a thing in the spring of 1870 as waiving the home's stead law?

Ans. My recollect is in the fall of 1870 some notes waived the homesstead law

~~Ques.~~

Cross examination by W. G. Hart the Plaintiff George Rapper

Ques. 1st ~~You say that~~ Did you ever hear John Reaser or Wm L Stout say that they was not positive that the Homes stead Law was waived in that one Bill that they was contending with me over?

Ans. I dont recollect ~~who~~ of ever hearing either of them say ~~anything~~ whether it was or was not and further the deponent saytth not

G. T. Napier

The defendant (12)

Question 1st. M. H. Reasor did ever hear Wm G. Hart tell you that he owed Reasor & Stout a debt and that he intended to pay it while he lived on John Reasors land?

Ans. We got to talking about this old debt that is in controversy when he come to get me to move him he said he intended to pay it but could not pay it right now he moved to John Reasors land about six years ago.

cross examination by the plaintiff further the deponents sayeth not

M. H. Reasor

The following witnesses claim their attendance

James P. Hart	1 day	.50 cts
M. H. Reasor	1 ...	.50 cts
George Napper	1 ...	.50 cts
W. H. Napper	1	.50

The defendants (13)

Ques. 1st. Wm. H Napier

Did you ever hear Wm. G. Hart ~~say~~ talk in regard to a debt that he owed Reaser & Stout,

Ans. yes I heard him talk about the debt I believe about the first talk he said he owed Reaser & Stout, that they had agreed to take his father ~~for the~~ ~~pa~~ his father assumed the payment to them then he went on to say that he had resorted to the homestead to keep from paying this debt. that was in dispute then I understood him to say that he hated to resort to the homestead he now claimed that it was unjust.

Question 2nd. Did Wm. G. Hart ever tell you that he had a copy of that note that he executed to Reaser & Stout

Ans. my recollection is that he said he had a copy or could produce the note

Cross examination by W. G. Hart, the plaintiff

Question 1. Did you ever hear Reaser or stout say that they was not positive whether the homes

stead Law was not waived in the
Due bill ?
Ans. I don't remember that I ever heard
them say anything about it
and further this deponents sayeth not
Wm B. Napper

Virginia Lee county to wit
I Harvey Young a Notary Public in and for the county aforesaid Do certify that J. B. Pennington P. M Reasor William S. Coldiron James P. Hart George Napper M. H. Reasor William H Napper was duly taken before me each being separately sworn and signed their depositions at the times and place named in caption the plaintiff and defendant both being represented in person and the witnesses was examined and cross examined and the same was re read to each before signing the same & the said depositions is to be read as evidence in the aforesaid suit pending in the circuit court of Lee county wherein William T. Hart is plaintiff and John Reasor Wm L. Stout and P. M. Reasor is defendants. I was engaged 4 hours in the taken of these above depositions
Given under my hand this 19th day of February 1890.

Harvey Young N. P.

The depositions of Smith T. Coldiron Carr Bailey and William G. Hart taken at the dwelling house of Carr Bailey in Lee County Virginia on the 10. day of March 1892 which depositions are intended to be read as evidence in chancery in a Suit now pending in the Circuit Court of Lee County, wherein William G. Hart is Plaintiff and John Reason, William L. Stout and P.M. Reason are defendants —

Smith T. Coldiron a Witness of lawful age after being duly Sworn deposeth and saith

Question by the Plaintiff did you ever see a due bill executed to Reason and Stout by me William G. Hart

Answer I did.

2 Question what year did you see this due bill in.

Answer I think it was in the year 1873

3 Question was the benefit of the Home Stead waived in this due bill

Answer To the best of my knowledge and recollection it was not waived

4 Question to you know what year the deff was married in

Answer you were married in August 1871

Cross examined by the Defendants

Do you remember the form of the paper you refer to as a due bill

Answer, to the best of my recollection it was as follows. Due Reason and Stone - dollars for value Received. I do not remember the amount of the bill. I think it was ten or eleven dollars

2 Question by Same do you recollect whether there was any Seal to Said paper or not

Answer My best recollection there was not

And further this witness ~~saith~~ Smith T. Coldiron

Carr Bailey, an other witness of lawful age after being duly Sworn deposeth and Saith

1 Question by the Plaintiff do you remember the year I was married in

Answer I think you were married in the year 1871

2 Question by Same do you remember of any Single man ever receiving the benefit of the Homestead

Answer I do not know that I ever did

And further this witness saith not

Carr Bailey.

William G. Hart an witness of lawful age after being duly Sworn deposeth and Saith that he never executed but the one due bill or paper to Reason and Stone, and that is the one referred to in Smith T. Coldirons deposition given above, and the one the Defts. and myself are now contending over

And further this witness saith not

William G. Hart.

Smith T. Coldiron claims attendance 50cts

The further taking of Depositions in this case is adjourned untill March the 17th inst at the store house of J J Kelly in Lee county

Harvey Young N.P.

Pursuant to adjournment at the time and place ~~that~~ Wm. T. Hart plaintiff specified we will proceed to continue to take the deposition of William Bailey a witness for the plaintiff

Question 1st. William Bailey ~~do~~ you will please state if you know such a law as the Homestead exemption law?

Ans. I believe there is such a law

Question When did you first know this law to be used?

Ans. sometime in the spring of 1871

William Bailey

Pursuant to adjournment from the Storehouse of J. J. Kelly's at Brickstore in Lee county to the dwellings house of Harvey Young, the time and place set apart on the 17th day of march to take place on this March the 20th at the above named place we will proceed to take the deposition of James Dunagan a witness duly summoned in behalf of the plaintiff and being duly sworn and of Lawful age deposeth and sayeth

Question 1 Did you ever execute a note to John Reasor and Stout.s?

Ans. I did to Reasor

Question 2. Did you pay that note off.s?

Ans. yes. I paid it off

Question 3rd Did Reasor claim that the note was misplaced at the time it was paid off.s?

Ans. yes he hunted for it and could not find it and said when he found it he would tear it up or send it to me

Question 4. Did he make you pay the same again.s?

Ans. Yes in ten years according to the way we counted it,

Question 5. Are you certian that this was the same debt.s? Ans. yes sir I am

Cross examination by the defendant

Question 1st by John Reasor the defendant.
Did you pay the debt above refered to twice?
Ans. Yes I paid it twice
Question 2. you are not owing me anything atall at this time?
Ans. If there is any difference I dont know it further this deponeth saytth not
witness claims attendance for 1 day at 50
James his + mark Dunagan

James M. Stanley a witness for plaintiff after being duly sworn and being of lawful age and sound mind deposeth and saytth, by the plaintiff
Question 1st. Did you ever hear John Reasor say that he did not know whether the homestead law was waived in a due bill ~~or note~~ that he held against me?
Ans. he said he did not remember whether it was or not in the due bill or note some ~~[illegible]~~ called it a due Bill and some a note as Wm. G. Hart was a single man at the time he give it he did not care whether it was waived or not there was no homestead for a single man
Question 2nd This was after Reasor got my (Harts) property?
Ans. Yes sir
Cross examinanation By John Reasor he declines to ask witness anything further

further this deponeth sayeth not.
witness claims 1 days attendance
lives 7½ miles from this place in scott county James M. Stanley
his mark

James P. Hart a witness for the plaintiff being of lawful age and sound mind and being duly sworn by me deposeth and sayeth
Question 1st Did you ever hear John Reasor say he did not know whether the homestead was waived in that due bill he held against me or not
Ans. In a talk between Reasor and myself about this matter he said he did not know nor did not care whether it was waived or not
Cross examination by defendant
Quest 1st Did you recollect whether I called it a note or a due Bill?
Ans. I do not.
Question 3rd Was you present when Dr. M Reasor offered Wm. G. Hart this colt that he had levied on.?
Ans. I was
Question 4th Did he (Wm. G. Hart) receive the Colt.
Ans. He did not
and further this deponeth sayeth not.
witness claims 1 days attendance J. P. Hart

virginia Lee County to wit

I Harvey Young a Notary Public in and for the County and state aforesaid Do certify that William Bailey a witness for the plaintiff was duly sworn and being of Lawful age and sound mind ~~was duly sworn~~ and gave his deposition at John J. Kelly's store on the 17th day of March 1890 and the further taking of Depositions was dispensed with and the same was adjourned untill March 20th at the dwelling house of Harvey Young's. both parties on the last named day ~~duly~~ ~~fully~~ represented by Wm. G. Hart and John Reasor both plaintiff and defendant.

I proceeded to take the deposition of James Dunagan James M. Stanley and James P Hart. all of ~~the~~ which was duly sworn and being of lawful age and sound mind having each read and separately signed the same is to be read as evidence in a suit Pending in the circuit court of Lee County wherein Wm G Hart is plaintiff and John Reasor Wm L. Stout and P. M Reasor, are defendants

Given under my hand this 20th day of March 1890

Harvey Young N.P

Virginia Lee County to wit

I Harvey Young a Notary Public in and for the county aforesaid Do certify that the following witness claims their attendance in ~~the a~~ a suit now pending in the circuit court of Lee County

		cts
William S. Coldiron	1 day	50
James P. Hart	2 ...	100
George Napier	1 ...	50
William H. Napier	1 ...	50
M. H. Reasor	1 ...	50
Smith Y. Coldiron	1 day	50
James Dunagan	1 day	50
James M. Stanley	1 day	50

last named witness lives in Scott County 7½ miles from place of attendance

I further certify that I Harvey Young was engaged 7 hours at different times and places at 75 cts per hour $5.15

this March the 20th 1890.

Harvey Young N.P.

Wm. G. Hart

vs } Deft.

John Reason et al

John Reason

ads } Defs. all together

W. G. Hart

Filed March 25th 1890

J. A. Styatt C

N.P. 5.15

Wit. 4.50

$9.65

To William G Hearte you will
please take notice that on the 27th day
of this month 1889 at the Storehouse
of C. L. Hamlen in the count of Lee and
State of Va we will proseede to take the
deposition of Martin H Reason and
others which deposition when taken is
intended to be read as evidense in
our favor in a chancery suit now
pending in the circite courte of Lee
county Va in which you are
plantiffs and we are defendants
if from aney cause said depositions
is not completed on that day the taking
of the same will be adjourned from
day to day and from place place untill
completed Nov the 15th 1889

John Reason
C. L. Stone
R. M. Reason

Virginia Lee County to wit
John S. Reason Personall appeard
one the undersign J.P. & made
oath the he served a true copy
of the within on William G. Hart
~~two days~~ this Nov 27th 1889
John Riddle J.P.

S. M. Reason
Sothers
vs Note
W. G. Hart

Mess John Reasor Wm L Stout and P. M. Reasor. Gentelmen. Take Notice that on the 10 day of March 1890. at the dwelling hous of Carr Baileys I will prosede to take the depositions of A H Hart and Others which depositions are intended to be read as evidence in chancery in a Suit now pending in the circuit court of Lee county wherein I am plantiff and you are defendantes if from any cans Said depositions Should not be fulley completed on the day and at the place mentioned in this notice the taking of Said depositions will be adjourned from time to time and from place to place till completed

Givin under my hand this February the 27 day 1890 Wm L Hart

Copy of Notice

Messrs John Reasor
William Stout & P. M. Reasor
Gentlemen take notice that on
the 29 day of November 1889 at the
house of Carr Baileys I will
proceede to take the depositions of
H. C. Bailey and others which
depositions are intended to be read
as evidence in chancery in a Suit
now pending in the Circuit Court of
Lee County wherein I am Plaintiff
and you are defendants if from
any cause said depositions should not
be fulley completed on the day and
at the place mentioned in this notice
the taking of said depositions will be adjourned from
time to time and from place
to place till completed
Given under my hand
this the 27 day of Nove 1889
William G. Hart

Va Lee County to wit: I do
hereby certify that William N. G.
Slemp made Oath before me
this day that he delivered a
true copy of the within notice
to each one of the Defts,
John Mason & William L. Stout and
R. M. Mason, on the 27. day of
Nov. 1889 Carr Bailey
Comr. in chancery &c.

I Wm G Hart, a householder & head of a family of Lee County Virginia, do hereby select and set apart the following personal property, as exempt from levy, seizure, garnishment, or sale, under the homestead law of said State, under any execution, order or process issued or to be issued on any demand for any debt or liability on contract, to wit:- Three head of horses, consisting of one bay mare worth $100.00, one two year old dark bay mare colt worth $75.00 & one dark bay mare colt worth $50.00, - One spotted Cow worth $25.00, Two calves worth $10.00 My oat crop, say 40 Dog; worth $10.00, Fourteen acres of Corn now growing, one half of it, worth $65.00, Six hogs worth $18.00, All my household and kitchen furniture worth $60.00, - All my farming implements worth $5.00 In witness whereof I have hereunto set my hand and seal this 9th day of August 1889.

William G Hart (Seal)

Virginia Lee county to wit:

I John R Gibson clerk of Lee county court in the State of Va. do certify that Wm G. Hart whose name is signed to the foregoing Homestead deed bearing date, Aug. 9th 1889. has acknowledged the same before me in my county aforesaid

Wm G. Hart
to
Deed.

Recorded in Deed Book
Number 24 Page 180
John R Gibson Clerk

7-9-1889

Deed delivered to administrator to record
this instrument duly this 9th day July 1889.
J. R. Gibson Clerk.

Virginia Lee County to wit:-

I, John R. Gibson Clerk of the county Court of Lee County do certify that Wm G. Hart has this day filed in my office for record his homestead deed in which he claims the following property for a homestead. to wit: Three head of horses consisting of one bay mare worth $100.00 one two year old dark bay mare colt worth $75.00 & one dark bay mare colt worth $50.00 one spotted cow worth $25.00 Two calves worth $10.00 his out crop of hay 40 Doz worth $10.00. Fourteen acres of corn now growing. one half of it worth $65.00 six hogs worth $18.00 All his house hold & kitchen furniture worth $60.00 All his farming implements worth $5.00.

Given under my hand this Aug 9th 1869.

J. R. Gibson Clk.

Wm A. Hart

Certificate of homestead

B.

This Deed witnesseth that Wm G. Hart a house holder, and head of a family of the County of Lee, in the State of Virginia, Does hereby claim the benefit of the Homestead pursuant to the provisions of an Act of the General Assembly of Virginia passed the 27th day of June 1870, entitled an Act to prescribe in what manner and on what conditions a Householder or head of a family shall set apart and hold a homestead and personal property for the benefit of himself and family, exempt from sale for debt, and I do hereby claim and set apart the following personal property as and for said Homestead to wit, — About 100 Bushels of Corn worth $40.00 and horse or mare worth $95.00 One Cow worth $25.00 Household & Kitchen furniture worth $70.00 farming Tools worth $6.00

Given under my hand and seal this 19th day of September 1882.

Wm G Hart (Seal)

Virginia Lee Co. to wit.

I J Alb Hyatt Comr. in Chancery in the County Court, for said County do hereby certify that Wm G Hart whose name is signed to the foregoing deed bearing date Sept 19 1882, acknowledged the same before me in my County aforesaid, to be his act and deed for the purposes therein set forth.

Given under my hand this 19 Sept 1882. J Alb Hyatt Comr

Wm G Hart
Homestead
Deed

VIRGINIA, Lee County---to wit :

To M. H. Reason Constable of Said County :

I hereby Command You to Summon Wm G. Hart

If to be found in your district, to appear at J B Pennington in said county, on the 5 day of August 1882, before me or such other Justice of said county, as may then be there to try this warrant, to answer the complaint of Reason & Stout and upon a claim for money not exceeding $100.00 exclusive of interest, to wit : for the sum of $11 25 due by Note and then and there make return of this warrant. Given under my hand, the 1 day of August 1882.

J B Pennington J. P.

John Reason & Stout } 12 day of August 1882.
against } (In Debt), At J B Pennington in said County.
Wm G Hart

JUDGMENT that the Plaintiff recover of the Defendant $ 11 25 with interest thereon from the 21 day of August 1870 till paid, and $ 1.00 for costs.

J B Pennington J. P.

VIRGINIA, Lee County---to wit :—To M H Reason Constabls of said County :

I Command you in the name of the Commonwealth of Virginia, that of the goods and chattels of William G. Hart in your county, you cause to be made the sum of $ 11 25 with interest thereon from the 1 day of August 1870 till paid, which Reason Stout has recovered before me J B Pennington in a warrant in debt, and also the sum of $ 1.00 which were adjudged to the said John Reason & Stout for costs in prosecuting the said warrant.

Given under my hand, this the 12 day of August 1882.

J B Pennington J. P.

Roan & Stout
vs } warrant
Wm G Hart
$11.5-8

Executed by me
M. T. Roan C.C.C

Fla Aug 5th 1889
J. R. Gibson
C.S.

This judgement is renewed this 11 day Sept
1884 Given under my hand John Riddle J.P.

J. A. J. Bailey Va May 22. 1890

J. J. Hyatt Esq

Dear Sir. Mr. William L. Hart handed me $30.00 in Cash & Some $10.00 in receipts from parties who held claims against the parties. to be paid on his Recover Cost. I enclose the Same to You which you can Credit on the decree for Cost against Hart & Gale. He says you told him the whole cost was Something over $40.00 He wants You to pay it out as far as it will go, and hold on a few days. and not issue an execution, and he will get up the balance and Send it to you in a Short time. He wants you to write to him at Brick Store and Send him the true bill of all the Cost in the case I have no News of interest to write to you. We are all as well as common. Hope you are all well

I am Yours very truly

Cam Bailey

$5.00

Received of William G. Hart Five Dollars the full amount of costs allowed me in the suit ~~pending~~ ~~in~~ tried in circuit court at the march term 1890 wherein William G. Hart was plaintiff and John Reasor William L. Stout and R. M. Reasor was ~~plaintiff~~ defendants this May the 18th 1890.

Harvey Young

35 ~

Received of Wm L
Hart fifty cents for one
days attendance as a
witness in a suit between
said Hart & John & Pen
Reason & Wm L Short
This May the 15 - 1890
G. S. Napier

Georg
Nahsper

Received of R W Ware &
Hart fifty cents
for one day's attendance
as a witness in a
Suit between
Hart Reasons & Stout

W. S. Coldiron

W S
Coleman

33

Received of Wm G
Hart fifty cents for one
day's attendance as a
witness in a Suit
between said Hart
John Reasor & M Reasor
Wm Stout this May the
15—1890
Smith J. Coldiron

Smith P J
Coldwell

31

Received of Mr
S Hart one dollar & fifty
cents for three days attendance
as a witness in a suit
between Hart Reynolds &
Stout this May the 12, 1890
J G Yerle

32

J P Hart

Received of Wm G Hart
fifty cents for
one days attendance
as a witness between
said Hart John & P M
Reasor & Wm L Stout
this May the 15-1890

Wm. H. Hopper

Napier

Received of Wm. L. Hart
the full amount of my fees
as Commissioner for taking depositions
, amount not collected,
in the case of said Hart
against John Moser, P.M.
Moser & Wm. L. Stout,
which case was chancery
suit in the Circuit of
Lee County, Given under
my hand this May 14.
1890 Carr Bailey Comm

Barb
Bailey

Received of Wm Hart by the hands of John A. G. Hyatt, the sum of five dollars atty fee taxed in the case of Wm ~~Hart D.~~ Hart v. John Reaser et als. May 24th 1890

A. L. Pridemore

A. L. Prudhomme
Recpt
$5.00

Received of J. A. G. Hyatt clerk of the circuit court, Two Dollars and fifty cents, the taxable costs due John Riddle, M. H. Reasor & John P. Reasor, in the chancery cause of W. G. Hart vs John Reasor et al. June 3rd 1890.

P M Rozar

P. M. Reason
Recpt
$2.80

Bailey Va 5 72 -90
UNITED STATES POSTAGE
TWO 2 CENTS
POSTAGE DUE
TWO CENTS
John A. G. Hyatt Esq.
Jonesville Lee
County Virginia

Hart's receipts
for costs

Know all men by these presents that we W. L. Hart and Wm. H. L. Slemp are held and firmly bound unto the Commonwealth of Virginia in the sum of Fifty Dollars and for the prompt payment thereof well and truly to be made unto the said Commonwealth, we each bind ourselves heirs &c and we as to this bond waive our homestead exemptions sealed with our seals, and dated this the 2nd day of September 1889

The Condition of the above obligation is such that whereas the above bound W. L. Hart on his bill in Chancery against S. M. Reason & others, addressed to the Judge of the circuit court of Lee County, has obtained from the said Judge an injunction to enjoin and restrain, the defendants from further proceeding on an execution in the bill mentioned until the further order of the court, and whereas it is provided by the order of the said Judge awarding the said injunction that the plaintiff should execute bond in the penalty of 50$, conditioned to pay all Costs as may be awarded against the said Plaintiff, and all such damages as shall be incurred in case the said injunction be dissolved. Now therefore if the said W. L. Hart, shall pay all such costs as may be awarded against him, and all such

costs as is now due & which will be due to officers of Court & damages, as shall be incurred in case the said injunction be dissolved, then this obligation to be void or else to remain in full force and virtue

Wm. L. Cardwell
W. N. G. Kemp

W. L. Grant
vs
D. M. Reason

Filed Oct 2nd 1859
J. A. Hyatt Clk